



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
July 28, 2009 – 7 PM**

**Business Meeting – 7:00 PM**

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda** – Draft minutes from May 26, 2009 and June 9, 2009
- 4. Staff Announcements**
- 5. Council Announcements** (Dave Heironimus, Planning Commission Liaison)
- 6. Community Comments** (*The public may provide comments on any non-agenda item*)
- 8. Comments from Commission**
- 9. Next Meeting:** August 11, 2009
- 10. Adjourn**

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**City of Sherwood, Oregon**  
**Draft Planning Commission Minutes**  
**May 26, 2009**

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**Commission Members Present:**

Chair Allen  
Jean Lafayette  
Matt Nolan

**Staff:**

Julia Hajduk, Planning Manager  
Heather Austin, Senior Planner  
Karen Brown, Recording Secretary

**Commission Members Absent:** Raina Volkmer, Adrian Emery, Todd Skelton

**Council Liaison – not present**

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order at 7:10. **Karen Brown** called roll. Chair Allen made an announcement that due to the fact that there were only 3 of the 6 currently appointed Commission members present there was not a quorum so regular business could not be conducted and all agenda items requiring a quorum would be heard at the next meeting on June 9<sup>th</sup>, however there were items that could be conducted without the presence of a quorum. He asked for any staff announcements. There were none presented at this time
2. **Agenda Review** –
3. **Consent Agenda** –
4. **City Council Comments** – None given
5. **Community Comments** –

Patrick Lucas addressed the Commission about a notice he had received regarding the Industrial Design Standards update. (note: a work session on Industrial Design Standards was held prior to the regular meeting.) He commended the Commission for working on these standards. His main objective would be to ask that the standards could be written in a way that would make it simpler for business to come to Sherwood. When residential builders want to build in Sherwood, most know exactly what guidelines and limitations need to be followed. Items like what the setbacks are in the rear and side yards and the height limitations for new Single Family Homes. When they submit the plans for review they are turned around very quickly because the plans include all of the details. He feels that Industrial and Commercial developments are entail way too much. He asks the staff and the Commission keep in mind simplicity while working on the standards for Commercial and Industrial. He believes that Sherwood could attract many more businesses if the development process was not so daunting. He sees developers that have come to Sherwood and once they find out all of the requirements they look elsewhere to

find a place that exists that they can just move into. If it were master planned up front so a developer would not have to do everything, he thinks Sherwood would have a better chance of attracting more business.

Susan Claus addressed the Commission first by saying that she thinks it is very important that the Commission just received feedback from a local person who has industrial interests and she thinks that his comments should be written up and tracked. Her second item for comment was packet preparation for Planning Commission and City Council and the time frame that they are available to the public. She asked if the Planning Commission gets their packets a week early. Chair Allen confirmed that the Commission gets them about a week prior to the meeting and that they go up on the web site at the same time. Mrs. Claus' comments were that the current packet is 341 pages and downloading a file that large in a dial-up system is very difficult. The back-up to that historically has been that there is a copy in the library. That has not happened since January. In this case the weekend prior to this meeting was a three day weekend, so on the day of the meeting she was still trying to obtain a copy of the material. She also thought that since they were on the agenda they would be given a copy of the information. She was given a copy today at City Hall and was charged for the copies. She is asking that the process be more clear and made easier to obtain the information. When there are hundreds of pages of studies on large projects perhaps that could be split up incrementally. That way if someone is interested in just reviewing the staff report for an example, they don't have to view the entire package. She asked that the Planning Commission direct Staff that way because she has appeared before the Commission before and has made suggestions which she feels have not been followed up on.

Chair Allen asked how difficult it would be to divide large packets into multiple PDFs. Julia feels that it would not be difficult, that it would just require coordination with the IT department. Commissioner Lafayette asked if Julia could also communicate that request with the City Council as well.

Robert James Claus gave community comments which have been transcribed verbatim. "Every since I've been in Sherwood I've seen City Managers literally try to take over and run this town. The first guy we were here almost bankrupted with his LIDs. He came very, very close to doing that. It finally became so contentious with Mr. Rapp he had to leave. Mr. Bormet took Home Depot, just as one example, which was industrial and called it a lumber yard, deemed their application complete and then the City Council had to sue their own staff. Now why does that happen? It happens because the City Manager is in control of the staff, you're not. You have really no control, none. In fact if an elected official is found talking to him, they need to resign about their job. So what ends up happening is structural decisions get made by the staff and then they try to force them. That is so evident on every single thing they do it is not even funny because the one thing you never hear is cost. You never hear hard costs anyplace, anyplace. Now you tell me how someone can claim to have done a traffic study on the impacts and use the Institute of Transportation Standards and not have given you the cost of those alternatives. They can't have, unless they were instructed not to, and that is exactly what's happening here. Ross Schultz, that's why he's not on the Council, and a group of people decided they were going to run this city. They took Urban Renewal money and they started making one decision after another and anybody on Urban Renewal knows that and then making

those decisions stick and the staff started going along with that. What I'm telling you be very, very careful, because the Supreme Court looked into a case like this called Del Monte Development Corporation where the city decided to play games. They not only end up buying the property they paid massive damages and that's what happens when the city becomes a developer and that is exactly what we've got going on now. As a Planning Commission it is absolutely unforgivable if they have done a study where they claim they know trip generations and can't walk in and tell you costs. That's a simple computer program and there are any number of them that are easier to run than all that other stuff and tell you this is the cost of the alternatives. Why are you not seeing the costs of the alternatives? I'll tell you why you're not. Because you are being sold a decision by the City Manager and his staff, and they want it, and that's what's going to happen, and then anybody that objects to it, they are going to delay, they are going to harm, they are going to put fees on until they get what they want, and I'm pleading with this Commission understand that won't go on forever, it never has. There is particular chaos by the way when they fire a City Manager and they get into the books. Then there is real chaos. You'd be surprised at what Mr. Wieslogel was going to do for me when he was acting City Manager after what Bormet had done to me. Gimmine Christmas. I could have asked for an ice cream sundae and gotten it. But what I'm telling you is you'd better understand this is a far realer problem than you think it is. Thank you."

**6. Old Business – none – due to lack of quorum**

**8. New business – none – due to lack of quorum**

**7. Next Meeting: June 9<sup>th</sup>, 2009**

**Chair Allen** apologized again for the fact that it was not identified that there would not be a quorum until late in the day. The items that are on business agenda will be carried over to the June 9<sup>th</sup>, meeting. He then adjourned the meeting

End of minutes.

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**City of Sherwood, Oregon**  
**Draft Planning Commission Minutes**  
**June 9, 2009**

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**Commission Members Present:**

Chair Allen  
Jean Lafayette  
Matt Nolan  
Raina Volkmer  
Todd Skelton

**Staff:**

Julia Hajduk, Planning Manager  
Heather Austin, Senior Planner  
Karen Brown, Recording Secretary

**Commission Members Absent:** Adrian Emery

**Council Liaison – Not Present**

1. **Call to Order/Roll Call** – **Chair Allen** called the meeting to order. **Karen Brown** began by stating date as June 6<sup>th</sup>, it was actually June 9<sup>th</sup>. Roll was then called.
2. **Agenda Review – Items** on the agenda included ADM 09-01 Appeal (shown as ADM 09-02 on agenda), the Adams Avenue Concept Plan, and SP 08-13/CUP 08-03 Villa Luca, which at the applicants request will be rescheduled for the next Planning Commission meeting.
3. **Consent Agenda** – The minutes from the April 28<sup>th</sup> meeting were under review. Commissioner Lafayette pointed out that on Page 11; the third full paragraph contains items 1 – 4. In item 2 the word “decrease” should have been increase to accurately reflect the statements being made by Chair Allen. The correction has been noted and the minutes have been corrected. There were also scrivener’s that she noted that do not change the substance of the minutes. Those changes were given to Julia for corrections. Commissioner Lafayette made a motion to approve the minutes from the April 28<sup>th</sup> Planning Commission meeting. Commissioner Nolan seconded the motion. A vote was taken and all were in favor of approving the minutes.
4. **Staff Announcements** – Julia stated that at this time the position on the Commission held by Lisa Walker has not be reappointed. Applications were accepted through June 9<sup>th</sup>. Julia will coordinate with Council Liaison Heironimus and Chair Allen to discuss applications received. Due to the City Council’s schedule the position may not be appointed until July 21<sup>st</sup>, 2009.
5. **City Council Comments – None given**

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**Community Comments** – James R Claus began by submitting a letter written to him from Chris L. Mullmann of the Oregon State Bar regarding Mark O. Cottle. Mr. Claus spoke about potential ethics violations with former Mayor Cottle representing the City Manager in the last employment contract. Mr. Claus questioned why the minutes from April 28, 2009 (which he entered into the record) had him quoted verbatim in one place but not in another. He indicated that that was a direction from someone with the intention to “prejudice the record.” He reminded the Commission of the ethics commission standards that “if in any way you can potentially gain financially sitting on any of these boards, that’s at your job or any place else you have a potential conflict of interest. In other words if you use sitting on this Commission and writing code as part of your résumé’ and you need a recommendation from the City, elected official, governing body or staff I’m told by the ethics commission there may be a potential conflict of interest, if not an actual conflict of interest.” He indicated he is contending that they can’t really get a fair hearing. He went on to discuss the expense to develop property, indicating that “It can actually cost you close to a third or forty percent of the value of that property and if you compound the interest over 4 years it can cost you the value of that property.” Mr. Claus once again raised concern over his ability to get a fair hearing, at which point Chair Allen asked for clarification on whether he was testifying on an issue that was on the agenda. Mr. Claus indicated that they were talking about appealing the Sign Code decision as well as the Design Code and neither of those are on the agenda.

Mr. Claus continued questioning the actions of staff with regard to the sign code record, actions by former Mayor Cottle regarding the City purchase of the Old School House, which was adjacent to property he owned, and again questioned why the minutes were quoted verbatim when he was not providing professional comments and summarized when he was providing professional comments.

No further public testimony was given.

- 6. Old Business – Chair Allen reopened** the Appeal on ADM 09-01 with a recap of previous actions. The public hearing had been closed but the written record had been left open for a period of time. The Commission has received written submittal, and this meeting was for final staff comments and deliberation.

**Julia** concurred with Chair Allen’s recap. She had no new staff comments other than reminding everyone where the hearing is in the process.

Chair Allen read the disclosure statement and asked for any ex parte contact, bias or conflict of interest. Chair Allen disclosed, that over approximately the past year and a half he has had a number of conversations with the appellant, Mr. Claus regarding development issues related to his (Mr. Claus’) property as well as with several other neighbors trying to identify and work out a variety of issues. That was not successful. Since the last hearing, Chair Allen received a phone call at his place of business from Mr.

Claus in which he declared that what Chair Allen had done was despicable, or dastardly, or something along those lines. (Chair Allen indicated that he could not recall the exact term used.) Mr. Claus then asked Chair Allen to have his immediate supervisor, the Administrator of his division call Mr. Claus. Chair Allen reported that he did pass that message on to his supervisor. Chair Allen did not feel that his request was threatening and does not feel it will cause bias on his part and he does plan to participate in the hearing.

Chair Allen also pointed out that, there has also been a written request submitted by Mr. Claus in a May 4<sup>th</sup> memo addressed to Chair Allen, asking for his recusal. Chair Allen stated that in that memo Mr. Claus gives a variety of psychological analysis of Chair Allen and includes references to events, that if they existed at all, he has a rather different recollection of how things transpired. Chair Allen continued by saying that all of the incidence referred to by Mr. Claus, whether they actually happened or not, would have occurred prior to the last public hearing. The only thing that has changed between that meeting and the May 4<sup>th</sup> memo is that Chair Allen indicated that he may not agree with Mr. Claus' position in this case. He does not find a persuasive case for recusal and does not plan to recuse himself.

Chair Allen then asked if any other Commission members had exparte' contact, bias or conflicts of interest they wish to disclose. No one did.

Chair Allen then asked if any members of the audience wished to challenge any of the Commission members' ability to participate.

Eric Postma, legal representative for the appellant, testified that while Chair Allen had provided an extensive discussion about the fact that a request for Chair Allen's recusal that had been included in the packets, he wanted to reiterate that the request was there and to renew their objection verbally. He also made a request that the record be re-opened for additional discussion by Mr. Postma or Mr. Claus if that opportunity arises.

Chair Allen asked the City Attorney, Chris Crean if there is any action that would need to be taken in light of the objection from the audience.

Chris replied that the mere allegation of bias is not sufficient grounds for a Commission member to recuse him or her self. If there is a conflict of interest on a Commissioner's part then they must recuse them self. If there is actual bias on a quasi-judicial matter, they must recuse themselves as well. In the absence of bias or an actual conflict of interest there is no requirement that a Commissioner recuse them self.

With that clarified, Chair Allen referred back to Julia to continue her re-cap of the project to date.

Julia reminded the Commission that there had been a public hearing on April 28<sup>th</sup> at which the Staff had given a presentation regarding the project. She was prepared to provide the presentation again if anyone so desired. She reiterated that the issue before

the Commission at this time was whether or not the Community Development Director made an error in determining that the plans submitted to the Building Department would require site plan approval.

Julia went on to state that staff does not concur with information submitted into the record by either Mr. Claus or Mr. Postma and invited the Commission to speak with her if any commission members have questions about information submitted.

Chair Allen conferred with Chris Crean regarding the request to re-open the record for public testimony. He questioned their ability to re-open the public testimony since public notice had not been sent saying that would happen.

Since the public hearing was closed, but the matter was continued until this hearing, everyone at the last meeting got notice of the meeting this evening. It is within the Commissions' discretion to re-open the public hearing portion if they feel it would benefit the Commission.

Chair Allen polled the Commission to see if any of them felt the need to have the public testimony re-opened. No one felt it would be of benefit. Chair Allen stated he would not re-open the public record in this matter. He then moved to staff questions from the Commission.

Chair Allen began by asking Staff about criteria used for determining whether site plan was required. He recalled information being given previously about the criteria used to make a determination including language about "visually discernable or an obvious change" to the site. Even if the proposed parking was where the existing parking is, that change would impact that standard. He asked what thoughts Staff went through making their determination.

Julia explained that staff was trying to be as helpful as they could in allowing the appellant the covered parking that they had indicated they wanted associated with their office uses. Staff initially was trying to utilize the non-conforming standards to identify that they were decreasing the non-conformity. There are several issues at play with the site plan standards vs. the non-conforming standards and what is a decrease in non-conformity is what the Planning Commission needs to determine.

Chair Allen asked for other questions; as there were none Chair Allen moved the discussion to deliberation.

A discussion ensued among the Commission members in general agreeing that while a memo written to the Building Department by Planning Staff on February 9<sup>th</sup> was meant only to summarize what the Planning Department would require and was not all inclusive; they all feel that it did not negate the need for a site plan review.

Chair Allen summarized by stating that as an appeal, it seems that there is a fairly narrow question being posed which is "do they meet the standards for a waiver of site plan?"



The criteria for answering that question are straight forward. The project does not meet the standards.

Commissioner Lafayette made a motion that the Planning Commission deny the appeal on ADM 09-01 based on the adoption of the staff report, findings of fact, public testimony, staff recommendation and applicant comments. The motion was seconded by Commissioner Nolan. Chair Allen asked for a vote. All members voted for the motion to deny the appeal. The motion carried.

7. **New business –**

a. **Adams Avenue Concept Plan**

**Chair Allen** opened the Adams Avenue hearing and asked for any exparte contact or conflict of interest statements. None were given and no members of the public wished to challenge any of the member's ability to participate.

Julia presented her staff report by first introducing some of the project team members that were present at the hearing: Keith Jones of Harper Houf Peterson Righellis, Chris Maciejewski of DKS and Associates, Kirsten Green of Cogan Owens Cogan and Jason Waters from the City of Sherwood's Engineering Department. Planning for the Adams Avenue Concept Plan has included: 3 Stake holder involvements meetings, one public open house, 3 Planning Commission work sessions and one joint Planning Commission/Council work session. If the Commission makes a recommendation to the City Council at this meeting or the next, the project will be included on the Council's agenda for July 21<sup>st</sup>. It is the goal to have an annexation vote on the November 2009 ballot. Assuming all of the approvals are in place construction will begin in the spring of 2010 for the Adams Avenue Road.

Julia provided a PowerPoint presentation (which is included in the record). She highlighted changes to the plan since the last Planning Commission work session on the issue:

- A revised acreage calculation which is now on the plan map. The study area includes 55.5 acres, the area inside the UGB expansion area is 34.2 acres, the area within the City limits is 21.3, however when you take out the roads, Wetlands, water quality facilities, power lines and substation there is only about 15.7 acres that are left developable.
- The map has been revised including changing the name to the Development Opportunities Map.
- The Preferred Alternative Plan was changed to the Preferred Concept Plan.
- The areas that are within the City have been clarified as well as numbering the development opportunity number 4.
- The reasoning behind identifying the preferred concept plan was once the project moves into the proposed development code language reference is made to the concept plan area, so staff wanted to clarify that.

- The plan is intended to be conceptual at this time including the round-about location. As Engineering is done that will be better defined.
- She also wanted to highlight a letter that is included in the packet from ODOT saying that they were acknowledging the 1.1 volume to capacity ratio in the intersections within the Sherwood Town Center. There is another letter (that was handed out during the meeting) that is a bit more specific that says they support the intersection information that was provided to them. They are asking for some additional work during the design phase on the signal timing.
- Metro and DLCD have been notified of all the proposed comprehensive plan changes and map.
- A new section is being added to Chapter 8 of the Comprehensive Plan that is the UGB Expansion section.
- They have also added special criteria for restaurants, taverns and lounges in the Office /Commercial Zone limiting those uses to 10% of each development. Drive-through restaurants are also prohibited and clarification was included that the special criteria apply to the Adams Avenue Concept Plan Area which is identified on the map. Public Recreational uses including trails were also added as conditional uses in the Office/Commercial and Light Industrial zones.

Commissioner Lafayette wanted to be sure that it is made very clear that a conditional use is being added to the code. The goal was to add something on Public Lands or easements that would allow another use in an industrial zone. This will not allow other Light Industrial uses to become ball fields or soccer fields.

Julia agreed and made a note to update that slide before it is presented to Council. She then reviewed several maps that were included in the packet. The maps included the Development Opportunities Map, the Preferred Concept Plan Map which looks a lot like the Preferred Alternatives map, but Staff has specified the specific zoning.

Commissioner Nolan asked if in Office/Commercial zoning mixed use residential is allowed.

Julia confirmed that it would be allowed with a PUD.

Commissioner Lafayette asked about the significance of the large red star, and if that was proposed as an actual archway.

Julia's response was that it has yet to be defined and that it could be whatever the Commission recommends to the Council. Commissioner Lafayette asked that it be removed and went onto explain that when they were discussing that area in previous meetings they were using the term gateway, but were really just describing the development itself at a point of entry into the City.

Commissioner Nolan suggested code language that would discourage a PUD similar to what has happened with Woodhaven Crossing. Commissioner Volkmer strongly supported Commissioner Nolan's sentiment.

Chair Allen then went on to open the meeting to public testimony.

Robert James Claus testified that the Commission is re-doing the general plan without knowing what it's going to cost. He indicated concern that staff is pushing this to add more to the Urban Renewal funds so that the City can borrow more. He stated that the Commissioners will think this it's a good idea because the staff wants it. He indicated that other property in town "like Lucas' and ours and Shannon's" can't be developed and the City is doing this without any cost at all. Mr. Claus told the Commission that they didn't have a clue what it's costing because the staff will not tell them "because a third of your budget now in the City is borrowed. You are borrowing from Urban Renewal." Can we ever hear on any of these concept plans what the roads are going to cost, what the infrastructure is going to cost, what it's going to toil out per acre and who and how we're going to pay for it. If we're going to pay for it by Urban Renewal money i.e. we're going to borrow 20 million and put it in the roads and then put it back in the taxes it would be nice to hear.

Mr. Claus stated that ever since Urban Renewal has been put in, in any area it goes in, you have declining property values. He stated concern that the City is on a long term path to bankrupt this town.

No other members of the audience wished to testify so Chair Allen closed the public hearing portion of the meeting and asked for any other staff comments.

Julia addressed the concerns voiced regarding the cost issue by saying that it hasn't been evaluated in depth because the only infrastructure included in this concept plan is the road which she understands would be paid for by private development. As indicated by the ODOT memo there are no intersection improvements beyond what have already been identified for funding, so there is not a substantial cost. (Commissioner Nolan added that this is noted on page 20 of the concept plan.)

Julia went on to say that if the Commission wanted to follow up on Commissioner Nolan's suggestion regarding limiting the amount of residential space allowed, that could certainly be done. There is already special criteria proposed in the Office/Commercial zone and additional criteria could be added after the permitted use "G" which allows multi-family housing within a Planned Unit Development. She also recommends if the Commission considers that change for the Office/Commercial that they may want to consider that change for the General/Commercial along Tualatin-Sherwood Road as well.

Chair Allen, Commission Nolan and Commissioner Volkmer discussed Commissioner Nolan's concerns in more detail. He would like to ensure that the good commercial property that we have in Sherwood is maintained and not to allow and encourage excessive residential units in those properties. He is not opposed to allowing mixed use, but he wants to be sure that it truly has to be mixed use. Woodhaven Crossing was the example they referred to. The original plan there was to be mixed use, but now the

property has very few commercial businesses and appears to be just a large apartment complex. They are asking for language that would specify a minimum level of residential use.

As the Commission discussion continued, Chair Allen asked Julia if the proposed language changes could be incorporated as a part of this action or would it need to be a separate action.

Julia suggests clarifying the language now and including the changes into whatever gets recommended to the City Council.

The Commission discussed the best terminology to use in making the suggested changes.

Commissioner Lafayette brought up an issue that had been raised by the developer Patrick Lucas at a previous meeting. If a traffic study has already been done on a site and then a developer comes in with a project, why are they required to complete additional traffic studies at their expense?

Tom Pessemier the Community Development Director for the City responded to the question by saying that the reality is that things change over time and while traffic studies have been completed and estimations made based on those studies the information can change. It is not likely that a developer is going to submit a project with the exact same uses that were used during the traffic modeling. If you did get a project that was the whole development area he could see that a new study would not be required. Typically what happens is that projects are submitted an area at a time. The effort is made to not deprive someone of what they want to develop in another area by having had some of their trips taken away by earlier development.

Chair Allen reminded the Commission of previous conversations they have had talking about “making the right thing the easy thing”. He is questioning how much of the traffic impact study requirement are actually code vs. operational procedure. He raised the question of the possibility that the Council could consider, for a limited period of time, offering a “pro-development” stimulus type of incentive that would say; the closer you do to what is in this concept plan and the fresher the information is from when the Planning Commission’s decision was made, the fewer requirements there may be. His general idea is that if a developer comes in 6 months from a decision and does virtually what the concept plan asks for is there anything the Commission or Council could do to simplify their process without running into risks.

Tom believes that a process like that would begin with the Planning Commission. The code is clear that if the use is over 400 trips then a traffic study is required. If it is less, then it is up to the Engineers discretion. He has seen studies that have been done for an area and then as an additive measure looking at each development as it comes in to insure it is not over a certain threshold, +/- a certain percentage each way. If the Commission wanted to define a specific area and as long as none of the trip generations exceed 10% – 15% and would not be outside what was done in the original traffic report, it would be

reasonable to not require a new study. He believes that with the project being reviewed, with the possible exception of the intersection of Adams Avenue and Tualatin-Sherwood Road, most of the sites will be generating more than 400 trips.

Commissioner Lafayette added that the Commission has had major concept planning opportunities recently and she does not want to miss the chance with the Tonquin Road area. If doing the right thing and the easy thing can happen with this small area, it might be a way to test the best way to make the process easier.

Chris Maciejewski the City's Traffic Consultant from DKS spoke to the Commission. He explained that while he understands where the Commission is heading with their discussion, he wanted them to understand that what DKS has done for this project so far is a Transportation Planning Rule Analysis. They looked at twenty years from now, with all of the improvements that are assumed to be in place, what the impact on that planned system would be. The analysis assumed Tualatin-Sherwood Road was widened to 5 lanes, the intersection of Tualatin-Sherwood Road and Hwy. 99W was expanded and had additional turn lanes, Adams Avenue South had been built and what the impact would be on that system. If a developer comes in next year and wants to build, but none of those improvements have been done, it would not be clear if the existing roads would work. It's the short term view of how the system will work with what's on the ground now that is missing. In a concept planning project, if it was requested, they could do a current analysis as well, however that has not been requested for this project.

The Commission discussed with Chris and Tom Pessemier how they could use this information on future projects. They would really like to take this information into consideration and even possibly have a separate memo written to Council that says the Commission would highly encourage them to consider this in the Tonquin Road project.

Commissioner Lafayette made a motion that the Planning Commission recommends approval of PA 09-03 Adams Avenue North Concept based on the adoption of the staff report, findings of fact, public testimony, staff recommendations, agency comments and conditions and code as revised.

Motion seconded by Commissioner Nolan.

Chair Allen asked for a vote. All members were in favor of approval. The motion carried.

b. Villa Lucca

Chair Allen read the disclosure statement for SP08-13 and CUP 08-03, Villa Lucca, and opened the public hearing. He then asked for any ex parte' contact or conflicts of interest. None were given.

Julia presented the project update by saying that Mr. Lucas had requested continuance of his hearing until the next Planning Commission meeting on June 23<sup>rd</sup>, 2009. He did toll the 120 days for the amount of time that he requested the continuance.

Commissioner Lafayette made a motion to continue SP 08-13 and CUP 08-03 Villa Lucca to the Planning Commission meeting on June 23<sup>rd</sup>, 2009, and accept the applicants tolling of the 120 days.

Commissioner Nolan seconded the motion.

Chair Allen called for a vote. All members were in agreement. The motion carried.

8. **Commission Comments:** Commissioner Lafayette wanted to confirm that their request to have the policy statements revised within the code language or at least a statement made that those are under consideration when the Commission is making decisions was heard.

Julia has talked with Chris Crean regarding this issue. She will add that to the next Commission meeting to include the information in the staff announcements.

Commissioner Lafayette also asked if Julia had addressed their concern with the Council regarding the Council packets and the Planning Commission's packets in small sections on the web site.

Julia confirmed that the Planning Commission packets had been modified quickly after the first comments were made. She is not certain about the status of the City Council packets and their ability to break it down, however at the time of this meeting the packet has been divided up into parts to make downloading easier.

9. **Next Meeting: June 23<sup>rd</sup> 2009**

**Chair Allen** closed the meeting at 8:25 pm

End of minutes.

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**July 28, 2009**

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**Commission Members Present:**

Chair Allen  
Jean Lafayette  
Lisa Walker  
Raina Volkmer

**Staff:**

Julia Hajduk, Planning Manager  
Karen Brown, Recording Secretary

**Commission Members Absent:** Matt Nolan, Adrian Emery  
Todd Skelton

**Council Liaison – not present**

1. **Call to Order/Roll Call – Chair Allen** called the meeting to order. **Karen Brown** called roll
2. **Agenda Review** – the agenda included the review of meeting minutes from May 26<sup>th</sup> and June 9<sup>th</sup>, staff and council announcements and comments from the community and the commission.
3. **Consent Agenda – Chair Allen** opened the discussion on the agenda items. There were no changes or corrections made. Commissioner Lafayette made a motion to approve the minutes. Commissioner Walked seconded the motion. A vote was taken and all were in favor. The minutes were approved.
4. **Staff Announcements – Julia** gave staff comments. The City Council has approved the Adams Avenue Plan and the amendments to the Water section of the Development Code. They will be a hearing regarding Annexation of Adams Ave. at the next City Council meeting. There will be an Open House on the Cedar Creek Feasibility Study July 30<sup>th</sup> at 7:00 as well as an Urban and Rural Reserves open house and hearing August 20<sup>th</sup>. She also talked about the Purpose Statement that has been addressed in earlier meetings. She plans to look at the code and talk with the Commission at a later date.
5. **City Council Comments – None given**
6. **Community Comments** – Susan Claus 22211 SW Pacific Hwy, Sherwood OR 97140 began by talking about the Teen Center at the YMCA. She is a proponent of the Teen Center and the work they are doing with “at risk kids”. With the economy situation the Capital Fund Raising Campaign donations have decreased. She feels it is important to keep the teen center running and properly staffed. The Claus’ are proposing using a portion of their property for RV sales with a portion of the profit going to the YMCA.



She is asking what the mechanism would be to allow that. She feels it would be in the best interest and a benefit to the Community. They are not interested in adding any new structures, perhaps some grading and graveling the area. She went on to say that people have been working so hard to make so many rules that potential opportunities are being missed. She doesn't know what the solution should be but that there should be some flexibility. She asked the Commission to direct Staff in this matter.

Robert James Claus spoke first by saying that he has been to several meeting recently where the City will likely be sued. He mentioned a condo project in the City that was delayed for 3 years. He said statements had been made by the City that ODOT was demanding road alignments and where he now knows those were required by Staff. There was also overbilling on the SDC fees for that project of \$480,000 which also caused delays. He believes he can see a pattern forming. He pleaded with the Commission to take away staff ignorance. He said that with the help of Julia and Bob Galati, Patrick Lucas' project was able to get a zone change from General Commercial to Residential and various other changes including giving away parking that allowed the property to increase in value up to 1 million plus dollars. In his view it is actually just an age restricted apartment building.

He again eluded to exparte' contact that he believes Chair Allen is aware of.

Chair Allen responded by saying he has no idea what Mr. Claus is talking about.

7. **Comments from the Commission** included brief discussions about the possibility of Julia writing an article about the status of Metro's appeal to LUBA regarding opening of Red Fern. Commissioner Walker referenced an update Julia had written for the Brookman Road Project and asked for something similar to that. Julia agreed this would be helpful. Commissioners also asked Bob if there is a central point of information regarding scheduled road closures. He referred them to the City's website for those updates as well as explaining to them that all of the neighborhoods directly involved received direct notice as well. When asked about the recent water rate increase Bob deferred that question to the Public Works Department and the Utility Billing is not a function of the Engineering Department. The question was asked about the Brookman Road appeal process. Could LUBA reverse the decision that was made by the City? Julia explained that LUBA can not reverse the decision that was made by the City, but that if the appeal goes through, LUBA will review the record and try to identify the problems, and then they could remand the appeal back to the City for further work. Discussions are ongoing now to resolve the issues prior to the full LUBA review.
8. **Old Business – no old business discussed**
9. **Next Meeting: August 11, 2009**

**Chair Allen** closed the meeting at 8:00 pm.

End of minutes.